

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Simmons et al.

Serial No.: Not Yet Assigned

Filed: February 19, 2004

For: CONTAINERS, SLEEVES AND LIDS
THEREFOR, ASSEMBLIES THEREOF,
AND HOLDING STRUCTURE THEREFOR

Confirmation No.: Unknown

Examiner: Unknown

Group Art Unit: Unknown

Attorney Docket No.: 3141-6218US

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in

37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

| <u>U.S. Patent Documents</u> | | |
|------------------------------|-------------------------|-----------------|
| <u>U.S. Patent No.</u> | <u>Publication Date</u> | <u>Patentee</u> |
| US - 2,061,496 | 11/17/1936 | Wright |
| US - 2,429,958 | 10/28/1947 | Liebmann |
| US - 2,493,633 | 01/03/1950 | Mart |
| US - 2,661,889 | 12/08/1953 | Phinney |
| US - 2,915,176 | 12/01/1959 | O'Neil |
| US - 3,079,027 | 02/26/1963 | Edwards |
| US - 3,307,739 | 03/07/1967 | Cloyd et al. |
| US - 3,337,109 | 08/22/1967 | Shumrak |
| US - 3,372,830 | 03/12/1968 | Edwards |
| US - 3,384,265 | 05/21/1968 | Frank |
| US - 3,443,715 | 05/13/1969 | Edwards |
| US - 3,580,468 | 05/25/1971 | McDevitt |
| US - 3,598,271 | 08/10/1971 | Holley |
| US - 3,612,346 | 10/12/1971 | Schneider |
| US - 3,804,281 | 04/16/1974 | Eckdahl |
| US - 3,954,178 | 05/04/1976 | Mason, Jr. |
| US - 3,973,693 | 08/10/1976 | Brocklehurst |
| US - 4,040,537 | 08/09/1977 | Edwards |
| US - 4,051,951 | 10/04/1977 | Smith |
| US - 4,412,644 | 11/01/1983 | La Fever |
| US - 4,548,348 | 10/22/1985 | Clements |
| US - 4,548,349 | 10/22/1985 | Tunberg |
| US - 4,610,351 | 09/09/1986 | Coles et al. |
| US - 4,726,553 | 02/23/1988 | Wischusen, III |

Attorney Docket No. 3141-6218US

| | | |
|-------------------|------------|-------------------|
| US – 4,747,507 | 05/31/1988 | Fitzgerald et al. |
| US - 4,832,212 | 05/23/1989 | Askinazi |
| US - 4,865,199 | 09/12/1989 | Zimmer |
| US – 4,867,313 | 09/19/1989 | Padovani |
| US – 4,928,848 | 05/29/1990 | Ballway |
| US - 4,928,876 | 05/29/1990 | Marshall |
| US – 5,040,719 | 08/20/1991 | Ballway |
| US – 5,143,247 | 09/01/1992 | Gavle |
| US – 5,205,473 | 04/27/1993 | Coffin, Sr. |
| US - 5,326,019 | 07/05/1994 | Wolff |
| US - 5,348,181 | 09/20/1994 | Smith et al. |
| US - 5,385,260 | 01/31/1995 | Gatcomb |
| US – 5,752,653 | 05/19/1998 | Razzaghi |
| US – 5,820,016 | 10/13/1998 | Stropkay |
| US – 6,364,151 B1 | 04/02/2002 | Gale |
| US – 6,562,270 B1 | 05/13/2003 | Gannon et al. |

Applicants offer to supply any explanation or discussion of the documents that the Examiner feels is necessary or desirable and which is requested.

Attorney Docket No. 3141-6218US

This Information Disclosure Statement is filed within three (3) months of the filing date of the above-identified application, and no certification pursuant to 37 C.F.R. § 1.97(c) or a fee pursuant to 37 C.F.R. § 1.17(p) is required.

Respectfully submitted,



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Date: February 19, 2004

TNB/dlm:ljb

Enclosures: Form PTO-1449 or PTO/SB/08
Cited Documents

Document in ProLaw

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

| | |
|------------------------|-------------------|
| Application Number | Not Yet Assigned |
| Filing Date | February 19, 2004 |
| First Named Inventor | Simmons et al. |
| Group Art Unit | Unknown |
| Examiner Name | Unknown |
| Attorney Docket Number | 3141-6218US |

U.S. PATENT DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|------------------------|--------------------------|--|--------------------------------|--|---|
| | | Number - Kind Code ² (if known) | | | |
| | | US-2,061,496 | 11/17/1936 | Wright | |
| | | US- 2,429,958 | 10/28/1947 | Liebmann | |
| | | US- 2,493,633 | 01/03/1950 | Mart | |
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| | | US- 3,372,830 | 03/12/1968 | Edwards | |
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| | | US- 3,580,468 | 05/25/1971 | McDevitt | |
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| | | US- 3,612,346 | 10/12/1971 | Schneider | |
| | | US- 3,804,281 | 04/16/1974 | Eckdahl | |
| | | US- 3,954,178 | 05/04/1976 | Mason, Jr. | |
| | | US- 3,973,693 | 08/10/1976 | Brocklehurst | |
| | | US- 4,040,537 | 08/09/1977 | Edwards | |
| | | US- 4,051,951 | 10/04/1977 | Smith | |
| | | US- 4,412,644 | 11/01/1983 | La Fever | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|-----------------------|--------------------------|---|--------------------------------|---|---|----------------|
| | | Country Code ³ - Number ⁴ - Kind Code ⁵ (if known) | | | | |
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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|--|---|----|---|--------------------------|-------------------|
| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | | | <i>Complete if Known</i> | |
| | | | | Application Number | Not Yet Assigned |
| | | | | Filing Date | February 19, 2004 |
| | | | | First Named Inventor | Simmons et al. |
| | | | | Group Art Unit | Unknown |
| | | | | Examiner Name | Unknown |
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| Sheet | 2 | of | 2 | | |

| U.S. PATENT DOCUMENTS | | | | | |
|------------------------|--------------------------|--|--------------------------------|--|---|
| Examiner Initials * | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number - Kind Code ² (if known) | | | |
| | | US- 4,548,348 | 10/22/1985 | Clements | |
| | | US- 4,548,349 | 10/22/1985 | Tunberg | |
| | | US- 4,610,351 | 09/09/1986 | Coles et al. | |
| | | US- 4,726,553 | 02/23/1988 | Wischusen, III | |
| | | US- 4,747,507 | 05/31/1988 | Fitzgerald et al. | |
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| | | US- 4,865,199 | 09/12/1989 | Zimmer | |
| | | US- 4,867,313 | 09/19/1989 | Padovani | |
| | | US- 4,928,848 | 05/29/1990 | Ballway | |
| | | US- 4,928,876 | 05/29/1990 | Marshall | |
| | | US- 5,040,719 | 08/20/1991 | Ballway | |
| | | US- 5,143,247 | 09/01/1992 | Gavle | |
| | | US- 5,205,473 | 04/27/1993 | Coffin, Sr. | |
| | | US- 5,326,019 | 07/05/1994 | Wolff | |
| | | US- 5,348,181 | 09/20/1994 | Smith et al. | |
| | | US- 5,385,260 | 01/31/1995 | Gatcomb | |
| | | US- 5,752,653 | 05/19/1998 | Razzaghi | |
| | | US- 5,820,016 | 10/13/1998 | Stropkay | |
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